

# **TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**

## **November 3, 2003**

PRESENT: Tom Cowan, Chair  
Mark Decker  
Don Hoefler  
Andy Kelkenberg  
Rick Meahl  
Terry Janicz  
John Potera  
Andrew Casolini, Wendel Duchscherer Engineers  
Rebecca Baker, Planning Board Clerk

The meeting was called to order by Tom Cowan at 7:35 PM.

### Site Plan – Arrowhead Golf Course Clubhouse/Parking – Clarence Center Rd.

Scott Witter of Witter Design and Doug Klotzbach of K2M Architects represented the owner, Joe Frey. Mr. Witter provided the reference maps regarding the SEQR process that addressed SHPO requirements. There is some additional paperwork that needs to be completed and the drainage will be coordinated and clarified. Mark motioned to recommend approval of the site plan contingent upon Andrew Casolini's satisfaction in regards to the additional paperwork. Rick seconded and all approved. Becky will send a memo to the Town Board for action.

### Change in Use Site Plan Review – John Smith Assembly Hall – Main Road

The board met with Dale Bartholomew and Matt Rigerman representing Faith Fellowship Church and John Smith, property owner. Mr. Smith presented the amended site plan with the new location for the septic system, which has been approved by EC Health Dept and will be started within the next couple of weeks and the dedicated parking lot for future use in case the lease agreement does not work out. Andy motioned to approve the change in use (from storage building to assembly hall), Terry seconded and all approved. Mr. Bartholomew then presented the board with a plan for a new parking lot. Because the paved area will exceed 5000 square feet of impervious material, a storm water plan must be provided. The board would also like to see a site plan showing the following: drainage, lights, landscaping, sign location, delineated parking spaces and DOT requirements for ingress and egress. Mr. Bartholomew will try having all the information ready for the November 17<sup>th</sup> meeting.

### Site Plan – Subway – Main Rd.

Steve Stewart representing Subway and Fritz Kohl, Contractor presented a colored rendition of the site plan. They have downgraded the seating to 24 seats; requiring 9 parking spaces (1 handicapped) There will be no pole sign, no drive thru and no tractor-trailer parking. The delivery trucks will be scheduled for the mornings, so there is no conflict with the parking area. A halogen light will be affixed to the gable roof. Andy questioned the discrepancy in dimensions between the survey and the site plan. As a result, the building inspector will obtain an accurate measurement between the curb and the front face of the building. Currently the other renter occupying the house on this same parcel is driving through what will be the dedicated parking lot for Subway. This cannot continue. Tom motioned to approve the change in use with the following conditions:

1. Other access to the house must be provided
2. The septic system must be located and approved by Erie County Health Dept.
3. The measurement from the building inspector coincides with those on the site plan

Mark seconded and all approved.

### Subdivision – Brown vs. Kelkenberg – Rapids Rd.

The subdivision law was reviewed. Tom Cowan informed Mr. Kelkenberg that the intent of the code was to slow down growth. As a result a parcel that was created, as a result of a split, must wait 5 years before it also can be subdivided. Mr. Kelkenberg informed the board that they do not wish to build on the proposed lot, but only wish to sell of the current house and part of the land. Tom recommended to Mr. Kelkenberg that he take the issue before the Zoning Board of Appeals.

### Minutes Review

Don motioned to approve the minutes from October 20<sup>th</sup>, seconded by Mark and all approved.

### Zoning Report

Bi-monthly report was reviewed. Rebecca indicated that many of the parcels in violation have conformed to code.

**OLD BUSINESS**

Overlay Zone

Tom would like the board members to drive up and down Rt. 5 to get a feel for what kinds of restrictions they would like to place and where the different commercial zones should be located. They should be prepared to discuss this issue at the December 15th meeting.

T Mobile Cell Tower

Tom informed the board that T Mobile is once again interested in the Town owned property on Buell St. There has been no paperwork received as of yet.

Special Use Permits

The board reviewed the site plans presented approximately one year ago regarding the special use permits for used car sales on Main Rd. for Mr. Belotta and Mr. Hauer. Site visits are suggested to see if any progress has been made in conforming to those plans. If not, the planning board will not recommend approval to renew those permits.

John motioned to adjourn the meeting at 10:10 PM, seconded by Terry and all approved.

Respectfully submitted,  
Rebecca Baker, Recording Secretary